

### **REMARKS/ARGUMENTS**

This is in response to the Office Action dated January 27, 2009. Claims 1-2, 5-9, 11-12, 15-19 and 21-24 are pending and stand rejected in the outstanding Office Action. Claims 1, 11 and 21 have been amended.

The rejection of independent claim 1 under U.S.C. § 103(a) as being unpatentable over Truchsess (US 5,734,726) in view of Comair et al. (US 2003/0045956) is respectfully traversed.

Amended claim 1 now recites the limitation “so that the sound data read by the sound data reading section is a waveform containing no discontinuity points *when the pace of the movement of the game object changes from acceleration to deceleration or from deceleration to acceleration*”. It is respectfully submitted that Truchsess in view of Comair lacks this feature.

With the above amendment it is made clear that in the game apparatus of claim 1 even if there is a change in pace in the movement of the game object, still there is no discontinuity in the sound data read by the sound data reading section, unlike in Truchsess, where there are inherent “jumps” in the sound outputted by the system at the change of pace points.

The amendment represents the embodiment shown in Fig. 9 of the specification. More specifically, when the game vehicle is in an acceleration phase and a change in the pace of the movement of the game object occurs when a deceleration input is received by the player, then the program, based on the current speed v1, reads a deceleration sound data read position corresponding to v1, which corresponds to a position where reproduction of the acceleration sound data was stopped. Subsequently, sound data is read from the deceleration sound storage

section sequentially starting from the above deceleration sound data read position. Therefore, the total sound data waveform is continuous, lacking any discontinuity points at the change of pace points.

In contrast, in the system of Truchsess, when the pace of the game vehicle is changed, for example, from acceleration to deceleration, the program looks to find a deceleration sound that is the closest to the acceleration sound just before the acceleration stopped. The system then reads the deceleration sounds sequentially from the deceleration sound that was the closest. This inherently causes a discontinuity in the sound waveform at the change of pace point (see, for example, Figs. 2A and 2B in Truchsess).

The Examiner alleged that the sound data read by the sound data reading section is a waveform containing no discontinuity points, and cited Figures 3 and 4 in Comair for support (see p. 6, lines 5-6 in the Office Action of January 27, 2009). This assertion is incorrect for the following reasons.

In the Truchsess/Comair rejection asserted by the Examiner, it is Truchsess who provides the teaching of a sound data reading section that reads the sound data (“a sound data reading section (22, Fig. 4-6) for sequentially reading, selected sound data from the read start address calculated by the read start address calculating section (col. 3, lines 53-55)”), see bottom of page 3 in the Office Action of January 27, 2009. As can be seen from Figs. 2A and 2B in Truchsess, when there is change in the pace of movement of the object, for example, from acceleration to deceleration, the program looks to find a deceleration sound that is the closest to the acceleration

sound just before the acceleration stopped. The system then reads the deceleration sounds sequentially from the deceleration sound that was the closest. This inherently causes a discontinuity in the sound waveform at the change of pace point.

On the other hand, Figs. 3 and 4 in Comair simply show the volume v. angle, and the volume v. speed relationship for the sound model disclosed by Comair, wherein the volume of sound for the engine increases as the, for example, speed increases. However, this does not correspond to the situation shown in Figs. 2A and 2B of Truchsess, where a change in pace of movement occurs. Comair was cited by the Examiner for allegedly teaching a moving speed calculating section and for teaching reading from memory a sound wave dependent of various parameters, including speed (see bottom of p. 5 in the Office Action of January 27, 2009), not for teaching what happens at change of pace points (the Examiner cited Truchsess for this).

For the above reasons, claim 1 is allowable. Claims 11 and 21 contain limitations similar to those in claim 1 and are also allowable.

It is respectfully requested that the rejection of claims 2, 5-9, 12, 15-19, 22-24, all dependent from claim 1 or 11 or 21, also be withdrawn.

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

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Appln. No.: 10/781,868

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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